

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

CRAIGVILLE TELEPHONE CO. d/b/a)
ADAMSWELLS; and CONSOLIDATED)
TELEPHONE COMPANY d/b/a CTC)
)
Plaintiff,) No. 1:19-cv-07190
)
)
vs.) Hon. John Z. Lee
) Magistrate Judge Jeffrey T. Gilbert
T-MOBILE USA, INC.; and)
INTELIQUENT, INC.)
)
Defendants.)

**UNNOPOSED MOTION TO EXTEND DEADLINE TO
AMEND PLEADINGS AND JOIN PARTIES**

COME NOW Plaintiffs, Craigville Telephone Co. d/b/a AdamsWells and Consolidated Telephone Company d/b/a CTC (“Plaintiffs”), on behalf of themselves and a class of similarly-situated companies, to respectfully submit this Motion pursuant to Rule 16(b)(4) of the Federal Rules of Civil Procedure to extend the current deadline to amend pleadings and/or join parties an additional sixty (60) days from December 30, 2021 to February 28, 2022. Counsel for the parties met and conferred via emails on December 21, 2021, regarding the relief sought in this Motion. Neither T-Mobile USA, Inc. (“T-Mobile”) nor Inteliquent, Inc. oppose the requested extension of the deadline to amend pleadings or join parties, although they do not agree with Plaintiffs’ reasons for making the request.

In support of this Motion, Plaintiffs state as follows:

1. The Court set the current deadline of December 30, 2021 to amend pleadings and/or join parties following the filing of a Partial Consent Motion to Extend Deadline to Amend the Pleadings (ECF No. 160), on September 17, 2021 (ECF No. 167). On September 22, 2021, the

Court entered an Agreed Confidentiality Order (ECF 164). Only thereafter did document productions requiring confidential treatment begin on a rolling basis.

2. As of the date of this Motion, there are several outstanding motions and discovery disputes between the parties, as well as between Plaintiffs and non-party Wilkinson Barker Knauer LLP (“WBK”), bearing on the scope of discovery Plaintiffs have received as of the date of this Motion, and bearing on the scope of discovery Defendants have been willing to voluntarily produce.¹ The pending motions include the following:

- a. Plaintiffs’ Motion to Compel Compliance with Subpoena to Non-Party Wilkinson, Barker, Knauer LLP, which the U.S. District Court for the District of Columbia transferred to this Court, and which was reassigned to Judge Lee (ECF No. 152);
- b. Inteliquent’s Rule 12(c) Opposed Motion for Judgment on the Pleadings (ECF No. 153);
- c. T-Mobile’s Motion for Protective Order Regarding Customer Contact (ECF Nos. 169 and 170);
- d. T-Mobile’s Motion for Entry of Protective Order Regarding Plaintiffs’ Amended Notice of 30(b)(6) Records Custodian Deposition (ECF No. 176);
- e. Inteliquent, Inc.’s Opposed Motion for Protective Order Regarding the Plaintiffs’ Notice of Records Custodian Deposition (ECF No. 179); and
- f. T-Mobile’s Opposed Motion for Clarification Concerning the Court’s Memorandum Opinions and Orders Dismissing in Part Plaintiffs’ First And Second Amended Complaints (ECF 195).

3. Document production also remains ongoing. Inteliquent produced 163 new documents on Friday December 18, 2021, T-Mobile produced another 271 documents on Tuesday December 21, 2021 and Inteliquent made yet another production today, December 22, 2021 which Plaintiffs are processing. Neither Defendant has identified a substantial completion date.

¹ WBK was counsel to T-Mobile in the investigation by the Federal Communications Commission that resulted in the Consent Decree upon which Plaintiffs’ claims against T-Mobile are predicated.

4. Plaintiffs and Defendants are also at an impasse following ongoing meet and confer discussions concerning whether certain categories of documents Plaintiffs have requested are discoverable. Upon completion of their review of the new documents produced by Defendants, they will be filing Motions to Compel on matters not resolved by the recent productions. Plaintiffs expect some of the documents being withheld by Defendants that will be the subject of the motion to compel, if produced, would illuminate things like potential additional Doe Defendants, the necessity to join additional parties or facts that could warrant amendments.

5. Plaintiffs expect resolution of the pending motions and their impending motions to compel will advance discovery towards a more fulsome evidentiary record from which they can fairly determine whether further amendments and joinder of parties is in the best interests of Plaintiffs and/or the putative class.

6. While Defendants disagree with Plaintiffs' position and do not concur with their reasons for this Motion, they do not oppose the relief sought by this Motion.

7. Accordingly, there is good cause to modify and extend the current deadline to amend pleadings and join parties under Federal Rule of Civil Procedure 16(b)(4).

WHEREFORE, Plaintiffs, with no opposition from Defendants, respectfully request that the Court modify the Scheduling Order and extend the current deadline to amend pleadings and join parties by sixty (60) days from December 30, 2021, to February 28, 2022, and for any further relief this Court deems just and proper.

Dated: December 23, 2021

Respectfully submitted,

By: /s/ David T.B. Audley

David T.B. Audley (Bar No. 6190602)

Mia D. D'Andrea (Bar No. 6307966)

CHAPMAN AND CUTLER LLP

111 West Monroe Street

Chicago, IL 60603-4080

Tel. 312-845-2971

Fax: 312-516-3971

Email: audley@chapman.com

Email: dandrea@chapman.com

Cathy A. Hinger (*pro hac vice*)

G. David Carter (*pro hac vice*)

Victoria A. Bruno (*pro hac vice*)

Kathleen O. Gallagher (*pro hac vice*)

WOMBLE BOND DICKINSON (US) LLP

2001 K Street, NW Suite 400 South

Washington, DC 20006

Tel.: 202-857-4489

Fax: 202-261-0029

Email: cathy.hinger@wbd-us.com

Email: david.carter@wbd-us.com

Email: victoria.bruno@wbd-us.com

Email: katie.gallagher@wbd-us.com

Kurt D. Weaver (*pro hac vice*)

WOMBLE BOND DICKINSON (US) LLP

555 Fayetteville Street, Suite 1100

Raleigh, NC 27601

Telephone: 919-755-8163

Facsimile: 919-755-6770

Email: kurt.weaver@wbd-us.com

Counsel for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that on the 23rd day of December, 2021, I served the foregoing Unopposed Motion to Extend Deadline to Amend Pleadings and Join Parties via the Court's ECF system on all counsel of record.

By: /s/ Mia D. D'Andrea _____

Counsel for Plaintiffs